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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,030

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Carina Berggren

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EXAMINER

MAI, NGOCLAN THI

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,030	<b>Applicant(s)</b> BERGREN ET AL	
	<b>Examiner</b> NGOCLAN T. MAI	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11, 19-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 19-23, 25-30 and 32 is/are rejected.
- 7) ☒ Claim(s) 24 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 11, 19-32 are currently under examination, wherein claims 11, 22-24, 29 and 30 are currently amended in applicant's amendment filed on 3/28/08. The applicant's affirmation of the provisional election of the Invention of II, claims 11 and 19-32 without traversal in the same amendment is acknowledged. The previous claims 1-10, 12-18 have been cancelled.

### ***Status of Previous Rejection***

2. Applicant's arguments, see page 7, filed 3/28/08, with respect to objection of claims 22, 23, 24, 29 and have been fully considered and are persuasive. The previous rejection to claims 11, 19-21, 25-28 and 32 is withdrawn in light of applicant's amendment filed 3/28/08.

### ***Response to Arguments***

3. Applicant's arguments, see page 8-9, filed 3/28/08, with respect to the rejection(s) of claim(s) 11 (now amended), 19-21, 25-28, and 32 under 35 U.S.C. 102(b) as being anticipated by Wheeler (Pat 3,852,045) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Anderson et al. WO 00/151137 et al (U.S. Patent No. 3,852,045) in view of Trove et al (WO 0/30788). The rejection is follow.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 19-23, 25-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. WO 00/151137 et al (U.S. Patent No. 3,852,045) in view of Trove et al (WO 0/30788), both are cited by the applicants.

Concerning claims 11, 20, 21, 23, and 29, Anderson et al discloses a method for producing a blank made of powder and intended for a product for the human body, by selecting a mould tool (2), i.e., punch, with a outer shape corresponding to the inner shape of the blank (Figure 2, page 8, lines 20-25), applying the punch and a starting powder in an inner space of a container of elastic material made of silicone (Figure 3, page 8, lines 27-39), transferring the container having mold tool and starting powder to a heating oven and applying isostatic pressing the to container with the punch and starting powder to compress the starting powder (Figure 4 and page 9, lines 1-7), machining the compressed starting powder (Figure 6), separating the compressed powder from the punch (Figure 7, page 10, lines 25-39) and sintering the compressed powder (Figure 8 and page 11, lines 1-23) to form sintered metal powder having dental application or other application in the human body, page 11, lines 24-31 and Figures 11 and 12).

Anderson et al differs from the claims in that Anderson et al does not teach employing impact-type compaction machine to transferring high energy per unit of time and distributing the transferred energy by means of an isostatic function.

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Trove et al discloses an impact-type compaction machine for compacting metal powder into desired shape and among other things having higher and more even density than prior art means for compaction. See figure 2 and page 5, line 25 to page 6, line 16, page 9, lines 18-23. Since both Anderson et al and Trove et al teach method for compacting powder metal, it would have been obvious to one of skilled in the art to modify the method of Anderson et al by substitute one method for the other to achieve the predictable result of compacting metal powder.

With regarding to claims 19 and 30, Anderson et al does not specifically teach machining the compressed powder prior to use in a product for human body. However it would have been obvious to one skilled in the art to further machine the compressed powder formed by method Anderson et al in view of Trove prior use in order to accommodate to the shape and size of each individual.

With regarding to claim 22, since Anderson et al uses container or mold of the same material as the applicant, the mould would inherently have the claimed shore number.

Concerning claim 25, Anderson et al teaches compressed powder having density of about 90%, See page 9, lines 30-35. While Anderson et al does not specifically teach compressed starting powder having density of 95- 99.5%. The method of Anderson et al when modifying with the impact type machine for compaction taught by Trove is expected to have compressed starting powder having the claimed density.

With regarding claim 27, Anderson et al discloses employing metal powder having particle size of 53 microns, which reads on the claimed Wah Chang CP -325 mesh, i.e. sieve size that retains powder greater than 45 microns. See page 8, lines 14-19.

With regarding claim 28, Anderson et al teach the claimed sintering time at page 13, lines 4-8.

Concerning claim 32, the molding tool (2) has narrowed portion, see Figure 2.

6. Claims 24 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGOCLAN T. MAI whose telephone number is (571)272-1246. The examiner can normally be reached on 8:30-5:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy King/  
Supervisory Patent Examiner, Art Unit  
1793

n.m.

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